

REMARKS

With entry of this amendment, claims 1-4, 9-13, 17, 23-25, 27-30, and 32-47 are pending in this application, claims 1-4, 9, 10, 25, and 27-30 of which stand rejected, claims 11-13, 17, 23, and 24 of which stand objected to, and claims 32-47 of which have been newly added. Claims 5-8, 14-16, 18-22, 26, and 31 have been cancelled, thereby rendering the rejections and/or objections of these claims moot. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 1-4, 6, 7, 9, 10, 18-20, and 25-31 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 5,575,772 issued to Lennox. ("Lennox"). Applicant respectfully traverses this rejection, since Lennox does not disclose each and every element required by these claims, as amended.

In particular, independent claim 1 has been amended to substantially include the limitation of previously objected to claim 11, and in particular, "a stabilizing shroud circumscribing at least a portion of the operative element," which the Examiner has indicated as being a patentable feature. Independent claim 25 has similarly been amended to apply a vacuum source to a shroud that circumscribes at least a portion of the operative element to secure the operative element relative to the target tissue site.

Thus, Applicant submits that independent claims 1 and 25, as well as the claims depending therefrom (claims 2-4, 6, 7, 9, 10, 18-20, and 26-31), are not anticipated by Lennox, and as such, respectfully request withdrawal of the §102 rejections of these claims.

Claim Rejections-35 U.S.C. §103

Claims 5, 8, 21, and 22 stand rejected under 35 U.S.C. §103, as being obvious over various combinations of Lennox, U.S. Patent Publication 2002/0188289 to Hedge (“Hedge”), U.S. Patent No. 5,891,136 to McGee et al. (“McGee”), and U.S. Patent No. 6,233,491 to Kordis et al. (“Kordis”). Applicant respectfully traverses these rejections, since none of Lennox, Hedge, McGee, and Kordis, disclose, teach, or suggest the combination of elements required by these claims. In particular, as previously discussed, Lennox does not disclose a stabilizing shroud that circumscribes at least a portion of an operative element or the user thereof for securing the operative element relative to tissue, and Hedge, McGee, and Kordis do not supplement this failed teaching.

Thus, Applicant submits that claims 5, 8, 21, and 22 are not obvious over the combination of Lennox, Hedge, McGee, and Kordis, and as such, respectfully request withdrawal of the §103 rejections of these claims.

Claim Objections

Claims 11-13, 17, 23, and 24 stand objected to as depending from a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Because claims 11-13, and 17 depend from independent claim 1, which is now believed to be patentable, Applicant submits that claims 11-13, and 17 are allowable for at least the same reasons. In accordance with the Examiner’s suggestion, claim 23 has been amended to substantially include the limitations of previous claim 1. Thus, Applicant respectfully requests withdrawal of the objections of claims 11-13, 17, 23, and 24.

New Claims


It is believed that newly added claims 32-47 find support in the specification, as originally filed, and are patentable over the prior art of record for at least the same reasons as independent claims 1, 23, and 25 from which they depend are.

Conclusion

Based on the foregoing, it is believed that, with entry of this amendment, all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,

Dated: September 9, 2005

  
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